



CASE D0273 NP

**FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1652

HUANG ET AL.

Examiner: SWOPE, SHERIDAN

APPLICATION NO: 10/648,593

FILED: AUGUST 26, 2003

FOR: IDENTIFICATION OF POLYNUCLEOTIDES FOR PREDICTING  
ACTIVITY OF COMPOUNDS THAT INTERACT WITH AND/OR  
MODULATE PROTEIN TYROSINE KINASES AND/OR PROTEIN  
TYROSINE KINASE PATHWAYS IN BREAST CELLS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT  
WITHOUT TRAVERSE**

Sir:

In reply to the Office Action dated June 20, 2005, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect, without traverse, to prosecute the invention drawn to a method of identifying breast cancer cells that are either resistant or sensitive to a protein tyrosine kinase inhibitor. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Applicants point out that the elected invention falls outside of the Examiners restricted groups, Groups I to XII, outlined in the June 20, 2005 Office Action. In accordance with MPEP 821.03, and CFR 1.145, Applicants believe the present election is proper and constitutes a responsive reply since the prior claims have been cancelled.


Furthermore, Applicants believe the elected invention, embraced by new Claims 41 to 51, entered via the Preliminary Amendment submitted herewith, is directed to a single inventive group.

A two-month extension is hereby requested pursuant to 37 CFR §1.136(a). Please charge Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company in the amount of \$450 for payment of the extension fee.

If any fee is due in connection herewith, please charge such fee to Deposit Account No. 19-3880 of the undersigned. Furthermore, if any extension of time not already accounted for is required, such extension is hereby petitioned for, and it is requested that any fee due for said extension be charged to the above-stated Deposit Account.

Respectfully submitted,

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
(609) 252-5289  
Date: September 12, 2005

  
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Stephen C. D'Amico  
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